



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

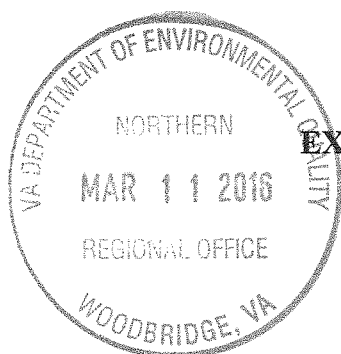
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Secretary of Natural Resources

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Director

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Regional Director



EXECUTIVE COMPLIANCE AGREEMENT

GEORGE MASON UNIVERSITY FOR GEORGE MASON ACADEMIC VII

This is an Executive Compliance Agreement (Agreement) between George Mason University (GMU) and the Virginia Department of Environmental Quality (DEQ) pursuant to the Director's authority, as set forth in §§ 10.1-1185, -1192, § 62.1-44.15 of the Code of Virginia (Va. Code), to administer and enforce the State Water Control Law and regulations.

The Academic VII project is located in the northern sector of the GMU Fairfax Campus. The proposed project includes a new building, realignment of Patriot Circle, and the implementation of an extended detention pond.

During inspections conducted by DEQ staff on September 17, 2015, and October 1, 2015, DEQ staff observed that construction of the Academic VII building at the GMU Fairfax Campus had commenced and that impacts to surface waters occurred as the result of the construction. Based on the observations during the inspections conducted on September 17, 2015, and October 1, 2015, and discussions with GMU personnel, DEQ staff believes that impacts to approximately 497 linear feet of surface waters occurred as a result of piping and filling during construction of the Academic VII building. The 497 linear feet consists of 347 perennial and intermittent stream channel impacts and 150 linear feet of drainage channel impacts. A review of DEQ records indicates that no authorization was requested or granted by DEQ for these impacts.

In a Draft Wetland Violation Report submitted by GMU on October 1, 2015, GMU detailed that the violations occurred due to an oversight by the project team. The report noted that construction on the project commenced on September 8, 2015, and the oversight was noticed

by GMU personnel on September 10, 2015, when an inspection was being carried out by GMU personnel and that personnel realized that a permit had not been obtained. A stop-work order was issued by GMU on September 10, 2015, and GMU contacted DEQ staff to self report the unauthorized impacts.

DEQ issued Notice of Violation W2015-11-N-010 to George Mason University on November 11, 2015, for the aforementioned unauthorized impacts.

Va. Code §62.1-44.15:20 states that except in compliance with a certificate issued by the Board, it shall be unlawful for any person to: 1) Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; 2) Excavate in a wetland; 3) Otherwise alter physical, chemical or biological properties of state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses; or 4) On or after October 1, 2001, conduct the following activities in a wetland: a) New activities to cause draining that significantly alters or degrades existing wetland acreage or functions; b) Filling or dumping; c) Permanent flooding or impounding; or d) new activities that cause significant alteration or degradation of existing wetland acreage or functions.


9 VAC 25-210-50. A states that except in compliance with an individual or general Virginia Water Protection Permit issued in accordance with this article, it shall be unlawful to: 1. Excavate in a wetland; 2. On or after October 1, 2001, conduct the following in a wetland: a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions; b. Filling or dumping; c. Permanent flooding or impounding; or d. New activities that cause significant alteration or degradation of existing wetland acreage or functions; or 3. Alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses unless authorized by a certificate issued by the Board.

Virginia Water Protection Program Regulation 9 VAC 25-690-50.A.1 Notification states that an application for authorization of proposed, permanent nontidal wetland or open water impacts greater than one-tenth of an acre, or of proposed permanent nontidal stream bed impacts greater than 300 linear feet, shall include all information pursuant to 9 VAC 25-690-60 B. Compensatory mitigation may be required for all permanent impacts in accordance with Parts I, II, and III of this VWP general permit regulation.

On September 18, 2015, DEQ staff and GMU's Department of Project Management and Construction met to discuss the project, surface water impacts, and the process to resolve the unauthorized impacts.

To remedy these matters, George Mason University and DEQ agree to the schedule of action in Appendix A.

This Agreement shall become effective upon the date of its execution by the Director of the Department of Environmental Quality or his designee. George Mason University agrees to be bound by any compliance dates in this Agreement that may predate its effective date.



Jennifer Wagner Davis
Senior Vice President
George Mason University

3/4/2016

Date



Thomas A. Faha
Regional Director
Department of Environmental Quality
Northern Regional Office

3-14-16

Date

GEORGE MASON UNIVERSITY

APPENDIX A

George Mason University agrees to:

1. Submit documentation to DEQ that 347 stream credits have been purchased and debited from the ledger of a mitigation bank approved by DEQ to sell credits in the area in which the impacts occurred and has credits available (as released by DEQ), within 90 days of the execution of this Executive Compliance Agreement. The credit sale shall be in accordance with the approved Mitigation Banking Instrument for the mitigation bank.
2. Unless otherwise specified in this Agreement, George Mason University shall submit all requirements of Appendix A of this Agreement to:

Attention Enforcement
VA DEQ-Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193